

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 939 - HB 1292

March 26, 2021

SUMMARY OF BILL: Authorizes a law enforcement officer or person who has a relationship with the respondent to petition a court for the issuance of an emergency protection order based on clear and convincing evidence that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm. Authorizes the court to issue a temporary ex parte emergency protection order pending a hearing on a petition that prohibits a respondent from purchasing or possessing any firearm while the order is in effect. Requires a hearing to be held within 30 days of service of the ex parte emergency protection order. If the court finds that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm, requires the court to issue an extreme risk protection order and prohibits the respondent from purchasing or possessing any firearm for a period not to exceed one year.

Requires, upon issuance of an emergency protection order, the respondent to dispossess of all firearms within 48 hours and complete an affidavit. Creates a Class A misdemeanor offense for failure to surrender or transfer all firearms. Creates a Class A misdemeanor offense for violation of an emergency protection order. Authorizes any law enforcement officer to arrest the respondent in violation of an emergency protection order without a warrant under certain circumstances.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$2,200/FY21-22 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 36-3-625(a), upon issuance of an order of protection the respondent is required to dispossess firearms by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms. The respondent is prohibited from possessing a firearm for so long as the extreme order of protection or any successive order of protection is in effect, and may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect.
- Statistics from the Administrative Office of the Court's (AOC) 2019-2020 Annual Statistical Report show 8,505 petitions for order of protections filed.
- The totality of petitions for an order of protection filed in other courts is unknown.

- Approximately 10.4 percent of Tennesseans are registered handgun owners.
- It is estimated that 885 (8,505 x 10.4%) of current orders of protections sought would be considered an extreme order of protection and affected under the proposed legislation.
- This will result in an increased workload to law enforcement agencies that would not be equally distributed among the 319 agencies. However, it is estimated that most agencies will be able to absorb the additional workload within existing resources and/or personnel.
- Any increase in workload to the courts can be absorbed within existing resources and/or personnel.
- The proposed legislation will result in at least two local jail admissions each year.
- This analysis estimates the average sentence length for a violation of an extreme risk protection order is 15 days in local jail.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- The proposed legislation will result in a mandatory increase in local expenditures estimated to exceed \$2,190 [(15 days x \$73) x 2] in FY21-22 and subsequent years.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase local revenue.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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